



**The Corporation of the
Town of Cobourg**

Resolution

Moved By	<u>Amos Burchat</u>	Resolution No.:
Last Name Printed	<u>Burchat</u>	313-18
Seconded By	<u><i>[Signature]</i></u>	Council Date:
Last Name Printed	<u>DARLING</u>	November 26, 2018

WHEREAS the Special Council has considered a memo from the Manager of Planning Services, regarding an application to approve the Draft Plans of Subdivision and Condominium Conditions for the Nickerson Drive at D'Arcy Street Project, (Nickerson Woods Subdivision) 2020910 Ontario Inc. (LeBlanc Enterprises Ltd.);

NOW THEREFORE BE IT RESOLVED THAT Council approve the Draft Plan of Subdivision and Condominium Conditions for the Nickerson Woods Subdivision as affixed to this resolution as Schedule 'C' and Schedule 'D'.

Schedule "C"
Draft Plan of Subdivision Conditions

Applicant: 2020910 Ontario Inc. (LeBlanc Enterprises) **Date of Decision:** , 2018
File No: Z-11-14 SUB; 14T-140001 **Date of Notice:** , 2018
Municipality: Town of Cobourg **Last Date of Appeal:** , 2018
Location: D'Arcy Street extension (Nickerson)

1. This approval applies to the Draft Plan of Subdivision, as shown in red on the Plan, prepared by RFA Planning Consultants Ltd., dated March 12, 2018 (attached hereto as **Figure 1**), and consisting of:

- 23 residential lots;
- 1 public park/open space block;
- 1 condominium element block;
- 1 Bell Canada easement.

The Town of Cobourg Municipal Council has allocated sewage treatment capacity for the draft plan to a maximum of **23** units on the condition that the owner enters into an allocation agreement with, and on terms satisfactory and at no cost to, the Town. The foregoing agreement shall be incorporated into the subdivision agreement.

2. The owner shall agree in writing to satisfy the requirements of the Town of Cobourg and any other municipality and/or approval authority that has jurisdiction, and subsequently enter into a Subdivision Agreement with the Town of Cobourg pursuant to the Planning Act, RSO 1990 c.P 13, as amended, which shall be registered on title to the subject lands once the Plan of Subdivision has been registered. Without limiting the generality of the foregoing, the owner shall agree in writing to satisfy all the requirements, financial and otherwise, of the Town and any other municipality and/or authority that has jurisdiction concerning matters internal and external to the draft plan, including but not limited to:

- the design, construction, timing, inspection, maintenance, reporting and performance measures associated with public and private roads/lanes, services (including utilities), drainage, grading, and any other infrastructure/facilities, including any necessary road allowances and easements, that may be required by the applicable authority having jurisdiction;
 - architectural urban built form, landscape and streetscape design measures;
 - sustainable design elements and initiatives;
 - open space/park design, landscaping, fencing and other related improvements/buffering measures;
 - tree protection, removals, edge management/buffering, setbacks, landscaping and other measures relating to the appropriate stewardship of natural heritage features and ecological systems;
 - stormwater management and wastewater allocation, collection and treatment, including low-impact development stormwater systems and related soil documentation, and regulations for design, construction, inspection, maintenance, reporting and performance measures related thereto;
 - pedestrian and bicycle circulation (trails, pathways and sidewalks) and any related facilities thereto;
 - emergency access;
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All costs incurred by the Town and any other municipality and/or approval authority that has jurisdiction which are associated with the planning, design, peer review and inspection of said works shall be borne by the owner.

3. The owner shall agree in writing to satisfy the Town of Cobourg's urban design objectives of the Official Plan, including, but not limited to:
 - the creation of high quality, pedestrian-friendly streetscapes and landscapes;
 - the provision of attractive building designs and dwelling forms which promote and enhance the character of the neighbourhood, and reflect the quality image of the community;
 - the careful design and placement of dwellings in relation to existing natural heritage resources; and,
 - the careful design and placement of dwellings in relation to the common road/laneway to enhance the sense of place and minimize the impact of garages.

4. That prior to the commencement of any on-site grading, construction or site preparation, or final approval of the draft plan, whichever occurs first, the Ganaraska Region Conservation Authority (GRCA) shall be satisfied that the development of the subdivision lands will not adversely impact the natural heritage features and ecological systems identified in the Secondary Plan area, and will maintain, improve and where possible restore the health, diversity, size and connectivity of natural heritage features and ecological systems, hydrologically maintain natural stream form and flow characteristics and the integrity and quality of watercourses within and adjacent to the lands designated as environmental protection.

In particular, the GRCA shall be satisfied that the recommendations of the Environmental Impact Study, dated February 2014 updated April 2018, prepared by Michalski Nielsen Associates Ltd., and any Addenda thereto that may be required as part of the detailed subdivision review process of the Town are implemented in accordance with applicable Provincial and GRCA policies, guidelines, regulations and standards as part of the detailed subdivision review process of the Town, and that appropriate conditions are included in the Subdivision Agreement to address the aforementioned requirements. In particular, the conditions shall address such matters as tree protection, woodlot edge management, trail management, landscape protection/restoration, buffers, setbacks, and other related measures to the satisfaction of the Town and GRCA.

5. The Owner shall convey the land on the plan identified for park purposes (Block 24) to the Town of Cobourg in accordance with Section 51.1(1) of The Planning Act, R.S.O. 1990, c.P. 13.

6. That prior to development of the subject lands, D'Arcy Street from Nickerson Drive northward as shown on the Draft Plan and any required additional lands for a turning circle shall be constructed by the Owner to Town of Cobourg and County of Northumberland Engineering Standards to the satisfaction of the Manager of Project Engineering (County) and Director of Public Works (Town).

7. Any necessary daylighting triangles, road widening, drainage easements, and walkway blocks shall be shown on the final plan and be dedicated to the appropriate authority.

8. Prior to the final approval of the draft plan, the appropriate zoning shall be in place to the satisfaction of the Town of Cobourg.
9. Prior to the final approval of the draft plan, the Town shall be satisfied that satisfactory arrangements, financial and otherwise, have been made with the appropriate utility authority for any utility facilities serving this draft Plan of Subdivision which are required by the appropriate utility authority to be installed underground. Any such easements as may be required for utilities shall be granted to the appropriate utility authority.
10. Prior to the final approval of the draft plan, Bell Canada shall confirm to the Town that satisfactory arrangements, financial and otherwise, have been made with Bell Canada for any Bell facilities serving this draft plan of subdivision which are required by the Town of Cobourg to be installed underground. The owner shall agree in the subdivision agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services and/or Fibre Optic digital switching equipment sites.
11. Prior to the final approval of the draft plan, Canada Post shall confirm to the Town that satisfactory arrangements, financial and otherwise, have been made with Canada Post for any postal facilities servicing this draft plan of subdivision which are required to be installed.
12. Prior to the final approval of the draft plan, the County of Northumberland shall confirm to the Town that satisfactory arrangements, financial and otherwise, have been made with the County of Northumberland regarding the following matters:
 - i) That the pavement structure for the private roadways within the draft Plan of Subdivision shall be designed to accommodate highway vehicle loading for waste collection vehicles.
13. Prior to the commencement of any grading, construction or site preparation, or final registration of the plan, whichever occurs first, the owner shall submit to the Ganaraska Region Conservation Authority (GRCA) reports, plans and/or other documentation in accordance with current MOE criteria, and the Stormwater Management Report prepared by Greenland Consulting Engineers (G-2079) dated August 2017 and an addendum letter dated November 20, 2017 which describes and confirms the following to the satisfaction of the GRCA:
 - (i) a detailed Stormwater Management Implementation Report supporting the detailed design which includes the following to the satisfaction of the GRCA:
 - a detailed hydraulic analysis of the proposed outlet structures from the stormwater management (SWM);
 - revised hydrologic analysis including all design flow events, 2 to 100 year inclusive, routed through the SWM facilities;
 - a hydraulic gradeline analysis for the 5 year event and sewers oversized to ensure that flows are contained below the obvert of the pipe;
 - a 100 year hydraulic gradeline analysis to confirm that basement elevations

are not surcharged, and an overland flow analysis that identifies sags, any sewer oversizing required, and confirmation that flows can be conveyed safely to an appropriate outlet or the SWM facilities;

- confirmation that all flows for the 100 year event from the proposed development will be treated by the SWM facilities;
- (ii) an Erosion and Siltation Control Report and Plan detailing the means by which erosion and sedimentation and their effects will be minimized and contained on the site during and after construction in accordance with Provincial Guidelines. The report will need to outline:
- the protection measures required;
 - the timing of the removal of devices tied to areas that have been stabilized;
 - details for temporary outlet structures, decommissioning and sediment removal/disposal protocols following MOE-EPA Guidelines; and,
 - all actions to be taken to prevent an increase in the concentration of solids in any water body as a result of on-site, or other related works, to comply with the Canada Fisheries Act;
- iii) Any other studies and/or drawings that the GRCA considers necessary to ensure the appropriate development of the subdivision lands in accordance with Provincial and GRCA policies and regulations;
- iv) the GRCA may recommend to the Town that specific conditions be changed and/or added to draft approval, including the possibility of draft plan 'red-line' revisions, and/or special provisions being inserted into the Subdivision Agreement, to reflect the outcome of the review of the required Studies and plans.
14. That the owner agrees to pay all GRCA detailed technical review fees in accordance with the current GRCA Fee Schedule on a per phase basis, and further agree to obtain all necessary GRCA permits required under Ontario Regulation 168/06 as amended from time to time.
15. Prior to the final approval of the draft plan, the GRCA is to be satisfied that appropriate clauses are contained within the subdivision agreement which require the owner to implement or cause to be implemented the recommendations and measures contained within the reports, and any addenda thereto, as required and approved by the GRCA;
16. Prior to the final approval of the draft plan, the GRCA is to be satisfied that appropriate clauses are contained within the Subdivision Agreement which require the owner to maintain all erosion and siltation control devices in good repair prior to and during the construction period in a manner satisfactory to the GRCA.
17. That prior to final approval of the draft plan, the owner shall carry out a detailed Archaeological Resource Assessment of the draft plan lands and mitigate, through avoidance or documentation, adverse impacts to any significant archaeological resources

found. No demolition, grading, filling, or any form of soil disturbances, shall take place on the draft plan lands prior to the issuance of a letter from the Ministry of Culture to the Town indicating that all archaeological resource concerns have met licensing and resource conservation requirements.

18. Prior to the final approval of the draft plan, Lakefront Utility Services Inc. (LUSI) and Lakefront Utilities Inc. (LUI) shall confirm to the Town that satisfactory arrangements, financial and otherwise, have been made with LUSI and LUI for any facilities serving this draft Plan of Subdivision which are required to be installed.

The Owner shall enter into any required Agreements with LUSI and LUI detailing the terms and conditions under which the water and electrical distribution systems for the Subdivision Lands will be designed, installed, inspected and maintained, including any easements and performance securities required by LUSI and LUI

In particular, prior to the construction of any electrical services on the Subdivision Lands, the Owner shall enter into a "Construction Agreement" with LUI, whereby an economic evaluation will be performed and evaluated to the satisfaction of LUI, and the Owner shall submit a Letter of Credit (LOC) to LUI in an amount and in a form satisfactory to LUI.

The owner shall agree in the subdivision agreement, in words satisfactory to LUSI and LUI, to implement the requirements of LUSI and LUI and to grant to LUSI and LUI any easements that may be required for electrical and/or water services.

19. The Town of Cobourg reserves the right to modify, or 'red-line', at its discretion the draft plan and/or conditions prior to final approval based on an evaluation by the Town and relevant agencies of detailed engineering plans, reports, or other applicable documentation, particularly related to stormwater management and natural heritage protection, and may impose special conditions in the Subdivision Agreement that it deems reasonable in accordance with the Planning Act, R.S.O. 1990, c.P. 13, as amended. The aforementioned modifications to the draft plan may include, but are not limited to, changes to the lotting and/or road pattern and possible removal/re-location of lots and roads in order to satisfy the applicable policies, guidelines and standards of the Town and agencies.
20. That prior to final approval of the draft plan, the Town of Cobourg is to be advised in writing by Bell Canada how Condition #10 has been satisfied.
21. That prior to final approval of the draft plan, the Town of Cobourg is to be advised in writing by Canada Post how Condition #11 has been satisfied.
22. That prior to final approval of the draft plan, the Town of Cobourg is to be advised in writing by the County of Northumberland how Condition # 12 has been satisfied.
23. That prior to final approval of the draft plan, the Town of Cobourg is to be advised in writing by the Ganaraska Conservation Authority how Condition #'s 4, 13, 14, 15, and 16 have been satisfied.
24. That prior to final approval of the draft plan, the Town of Cobourg is to be advised in writing by the Ministry of Tourism, Culture and Sport how Condition #17 has been satisfied.

25. That prior to final approval of the draft plan, the Town of Cobourg is to be satisfied in writing by the Lakefront Utility Services Inc. and Lakefront Utilities Inc. how Condition #18 has been satisfied.

NOTES TO DRAFT APPROVAL

1. It is the Applicant's responsibility to fulfill the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Municipality, quoting the '14T' File Number.
2. We suggest that the Applicant make yourself familiar with Section 144 of the Land Titles Act and Subsection 78(10) of the Registry Act.

Subsection 144(1) of the Land Titles Act requires that a plan of subdivision of land that is located in a land titles division be registered under the Land Titles Act. Exceptions to this provision are set out in Subsection 144(2).

Subsection 78(10) of the Registry Act requires that a plan of subdivision of land that is located only in a registry division cannot be registered under the Registry Act unless that title of the Owner of the land has been certified under the Certification of Titles Act. Exceptions to this provision are set out in clauses {b} and {c} of subsection 78(10).

3. The Subdivision Agreement should be registered under Subsection 51(26) of the Planning Act, R.S.O. 1990, c.P.13 against the land to which it applies as notice to prospective purchasers.
4. A permit will be required under the Ganaraska Region Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ont. Reg. 168/06) prior to any development or site alteration on the subject property.
5. The Ganaraska Region Conservation Authority notes that temporary sediment control ponds must be capable of accommodating 125 cubic metres per hectare of contributing drainage area for a period of not less than 12 hours, or removing particle sizes down to 40 microns.
6. Clearances are required from the following agencies:

Ganaraska Region Conservation Authority
P.O. Box 328
Port Hope ON L1A 3W4

D. Marshall, Manager of Project Engineering
County of Northumberland
Public Works Department
860 William Street
Cobourg ON K9A 3A9

Janice Young, Manager
Bell Canada

Network Property Services
F 13-100 Borough Drive
Toronto ON M1P 4W2

Canada Post/Postes Canada
Attn: Stephen McGraw
Delivery Service Officer / Agent de Service a la Livraison
P.O Box 8037 Ottawa T CSC
Ottawa, ON K1G 3H6

D. Paul, President
Lakefront Utility Services Inc/Lakefront Utilities Inc.
207 Division Street
Cobourg, Ontario
K9A 4L3

Ministry of Tourism, Culture and Sport - Archaeology
Hearst Block, 9th Floor
900 Bay Street
Toronto, ON M7A 2E1

7. All measurements in subdivision plans and condominium final plans must be presented in metric units.
8. The final plan approved by the Town must be registered within 30 days or the Municipality may withdraw its approval under Subsection 51(59) of the Planning Act, R.S.O. c.P.13, 1990.
9. This draft approval shall be in force and effect until _____, **2021**.

Schedule "D"
Draft Plan of Condominium Conditions

Applicant: 2020910 Ontario Inc. (LeBlanc Enterprises)	Date of Decision: , 2018
File No: Z-11-14 SUB; 14T-140001	Date of Notice: , 2018
Municipality: Town of Cobourg	Last Date of Appeal: , 2018
Location: D'Arcy Street extension (Nickerson)	

1. This approval applies to the Draft Plan of Common Element Condominium, as shown in red on the Plan, prepared by RFA Planning Consultant Inc., dated February 6, 2014, (as shown on Figure 1 attached), and consisting of:
 - A common element block which contains surface parking, private roadways, landscaped open space, stormwater management facilities, and other on-site services [the "Common Element"].
2. That prior to final approval of the Plan of Condominium, the Owner shall submit for approval to the Town's Director of Planning & Development or his designate a final Plan of Condominium (in general conformance with Figure 1), a Condominium Declaration and the By-laws of the Condominium Corporation, and any other documentation as required by the Director or his designate.
3. That prior to the final approval of the Plan of Condominium, the Owner shall enter into a Condominium Agreement with the Town to address the design, construction, timing, operation, inspection, reporting, maintenance, repair and required Performance Security associated with public and private roads/lanes, services (including utilities), drainage, grading, and any other infrastructure/facilities relating to the development of the subject lands, including any necessary road allowances and easements, to the satisfaction of the Town and other applicable authorities having jurisdiction, if such provisions have not already been accommodated as a condition of a related subdivision approval and/or Subdivision Agreement.
4. Related planning approvals must be completed prior to final Plan of Condominium approval, including the registration of a Plan of Subdivision and Subdivision Agreement and the appropriate zoning.
5. That prior to final approval of the Plan of Condominium, the Owner shall provide as-built/as-constructed drawings prepared, signed and sealed by a professional engineer, together with a certificate/report from the engineer confirming that all on-site works have been completed and inspected and are functioning as designed and intended in accordance with the approved design, all to the satisfaction of the Municipal Engineer.
6. That prior to final approval of the Plan of Condominium, the Town's Director of Planning & Development or his designate shall be satisfied with the terms and conditions outlined in the Condominium Agreement (and/or Subdivision Agreement as the case may be), the Condominium Declaration, Condominium By-laws and/or other documentation required by the Director or his designate, including such matters as but not limited to the following:
 - a. The design, construction, operation, inspection, reporting, maintenance, repair and performance security associated with the public and private roads/lanes, sanitary sewers, water mains, storm sewers, grading scheme, storm-water

drainage systems, walkways, trails, amenities, curbs, sidewalks, parking areas, streetlights, gas, hydro, cable, telephone, fibre optics and telecommunications, and other infrastructure/facilities within the Common Element and which serve the development (hereinafter called the "Private Services"), all at the expense of the Owner and its successors and assigns (ie. the Condominium Corporation);

- b. The provision of appropriate clauses in all Offers/Agreements to Purchase and Sale or Lease, the Disclosure Statement, the Condominium Declaration and/or other documentation required by the Director of Planning & Development to the extent permissible under applicable legislation which notify all owners and tenants/future purchasers that the ownership and maintenance of the Common Element and all Private Services situated therein shall remain the sole responsibility of the Condominium Corporation and that the Town will not agree to accept the Private Services or have any jurisdiction and further liabilities within the Common Element, with the exception of that outlined in this Draft Plan Approval. In particular, Purchasers should be notified that:
- o all "Private Services" which comprise part of the Common Elements are under the private ownership and responsibility of the Condominium Corporation, and that all required actions, work, costs and expenses with respect to the design, construction, use, operation, inspection, reporting, maintenance, repair, replacement and alteration of the Private Services are the sole responsibility, liability and obligation of the Condominium Corporation in accordance with all required permits, authorizations or certificates of approval as may be required and issued from time to time by those authorities having jurisdiction. The Purchaser acknowledges that the Town of Cobourg shall have no responsibility, liability or obligation whatsoever with respect to the design, construction, use, ownership, operation, inspection, reporting, maintenance, repair, replacement and/or alteration of the Private Services or the obtaining of such certificates of approval, authorizations or permits as may be required. The Purchaser acknowledges, however, that the Town may, in its sole discretion, enter the subject lands from time to time for the purpose of conducting inspections and performing emergency repairs, maintenance, replacement and/or alteration to any of the Private Services and any other appurtenances situated within the Common Element and serving the development. Such entry and design, construction, use, operation, inspection, maintenance, repair, replacement and alteration shall not be deemed to be an acceptance of any of the Private Services by the Town, nor an assumption by the Town of any liability in connection therewith, nor a release of the Owner from any of its obligations under the applicable Agreement(s), Declaration and/or other documentation. Any costs incurred by the Town associated with the design, construction, use, operation, inspection, maintenance, repair, replacement and/or alteration of the Private Services by the Town shall be the sole responsibility of the Condominium Corporation.
 - o The Common Element and individual Parcels of Tied Land (POTL's) may be subject to any easements, rights-of-way or blanket easements in favour of the Condominium Corporation, utility service providers and/or the Town as may be required for the reasonable design, construction, use,

operation, inspection, maintenance, repair, replacement and/or alteration of the Private Services or any appurtenances associated with the Private Services.

- o no alteration of the grading or stormwater drainage plan applicable to the Common Element or surrounding POTL's is permitted without the express written approval of the Town and Condominium Corporation.
 - o the POTL's shall not be separately conveyed from the Common Element.
- c. The provision of access rights/easements for employees or agents of the Town and relevant agencies/utilities who may, from time to time at their discretion, enter onto the Common Element for the purpose of using, operating, inspecting, maintaining, altering, replacing and/or performing emergency repairs to any of the Private Services or related appurtenances. Such entry and related works shall not be deemed an acceptance of ownership of any of the Private Services by the Town, nor an assumption by the Town of any liability in connection therewith, nor a release of the Owner or Condominium Corporation from any of its obligations under the terms of any applicable Agreement or other legal documentation. Any costs incurred by the Town associated with the construction, design, use, operation, inspection, maintenance, repair, replacement and/or alteration of the Private Services and any related appurtenances shall be the sole responsibility of the Owner and its successors and assigns.
- d. The implementation and maintenance of Parking Prohibition Signage along the Common Element roadway, to be designated a Fire Route by the Town, at the expense of the Owner and its successors and assigns to ensure adequate fire and emergency services access in all climatic conditions to the satisfaction of the Fire Chief and Municipal Engineer;
- e. The location, design, construction and maintenance of a communal mail box facility situated within and serving the development, all at the expense of the Owner and its successors and assigns, subject to the approval of Canada Post;
- f. Requirements for the Owner and its successors and assigns to obtain the requisite Permits and other authorizations from the authorities having jurisdiction prior to the commencement of any development or construction on the development lands;
7. That prior to final approval of the Plan of Condominium, the Director of Planning & Development or his designate shall be satisfied that arrangements have been made with the Town's Treasurer/Director of Corporate Services for the payment of any outstanding municipal property taxes, utility accounts, and/or local improvement charges.
8. The Town of Cobourg reserves the right to modify, or 'red-line', at its discretion the draft plan of condominium and/or conditions of draft approval prior to final approval based on an evaluation by the Town and relevant agencies of detailed engineering plans, reports, or other applicable documentation, particularly related to servicing, stormwater management and natural heritage protection, and may impose special terms or conditions in the Condominium Agreement (and/or the Subdivision Agreement as the

case may be) that it deems reasonable in accordance with the Planning Act, R.S.O. 1990, c.P. 13, as amended. The aforementioned modifications to the draft plan may include, but are not limited to, changes to the Common Element in order to satisfy the applicable policies, guidelines and standards of the Town and agencies.

NOTES TO DRAFT APPROVAL

1. It is the Applicant's responsibility to fulfill the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Municipality, quoting the File Number.
2. It is the Owner's responsibility to satisfy all conditions of draft approval in an expeditious manner. The draft plan of condominium and conditions of draft approval may be reviewed periodically and may be amended by the Town of Cobourg at any time prior to final approval.
3. All measurements in subdivision plans and condominium final plans must be presented in metric units.
4. This draft approval shall be in force and effect until _____, **2021**.

